

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Brian Lathrop on 10/22/08.

The application has been amended as follows:

In claim 19 after composition containing

Delete "as an effective ingredient,"

And in claim 19 after acceptable salt

Insert -- and a pharmaceutical acceptable carrier --.

Status of the claims :-

Claims 11, 12, 14-16, and 19 are pending.

The double patenting rejection over US 6706734 has been withdrawn as in applicants claims E is O where in the patent it is a bond or a methylene group.

The claims have been amended to include the optional substitutents are on the phenyl phenoxy and benzoyl.

The claims 11, 12, 14-16 and 19 are now found to be allowable and are being allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita J. Desai whose telephone number is 571-272-0684. The examiner can normally be reached on Monday - Friday, flex time..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rita J. Desai/
Primary Examiner, Art Unit 1625

R.D.
October 22, 2008

Application/Control Number: 10/799,681
Art Unit: 1625

Page 4